



**Ogejo, Omboto & Kijala Advocates, LLP v United Millers Limited (Miscellaneous Civil Application E087 of 2023) [2024] KEHC 4915 (KLR) (9 May 2024) (Ruling)**

Neutral citation: [2024] KEHC 4915 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KISUMU  
MISCELLANEOUS CIVIL APPLICATION E087 OF 2023  
RE ABURILI, J  
MAY 9, 2024**

**BETWEEN**

**OGEJO, OMBOTO & KIJALA ADVOCATES, LLP ..... ADVOCATE**

**AND**

**UNITED MILLERS LIMITED ..... CLIENT**

*(Arising from the professional services rendered by the Applicant to the Respondent in the original Kisumu HC Civil Case No. E006 of 2021)*

**RULING**

1. I have considered the application dated 7<sup>th</sup> May 2024 under certificate of urgency. I decline to certify it as urgent.
2. Having called on the advocate for the Applicant who joined the online platform, and Mr. Okwemba Advocate having appeared, I observe that the Bill of Costs by the advocate against the client is dated 31<sup>st</sup> May 2023 and was taxed on 11<sup>th</sup> April 2024 as per the annexed certificate of costs.
3. The Bill of Costs has over 30 items and is derived from legal services rendered in Kisumu HCCC No. E006 of 2021. However, there is absolutely no evidence that the principal file was called for and availed to court for the Taxing Master to verify any of the items in the Bill of Costs.
4. I have no doubt that the approach taken by the taxing maser if erroneous in principle and must be corrected by this court.
5. I therefore decline to consider the application dated 7<sup>th</sup> May 2024 on merit. I strike it out and set aside the taxation ruling and certificate of costs dated 11<sup>th</sup> April 2024.
6. I remit the bill back to the taxing master for taxation interpartes taking into account the pitfalls pointed out in this Ruling.



7. This Ruling to be typed and uploaded on the CTS.

8. Mention before Deputy Registrar on 6<sup>th</sup> June 2024.

**DATED, SIGNED AND DELIVERED AT KISUMU THIS 9<sup>TH</sup> DAY OF MAY, 2024**

**R. E. ABURILI**

**JUDGE**

